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 and Angelo Mozilo [sued erroneously as "Angelo Mancello"]

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

LUZ-MARIA URZUA, CESAR	) Case No.: C 07-06349 JSW
ANCHANTE-MARTINELLI)
Sramineus Homo, US Vessel	) Hon. Jeffrey S. White
	) Courtroom: 2
Libellant,)
	) Related Case No. C 07-5906 JSW
V.	) Related Case No. C 07-5932 JSW
	) Related Case No. C 07-5931 JSW
COUNTRYWIDE HOME LOANS, ANGELO	) Related Case No. C 07-5903 JSW
MANCELLO, PRESIDENT, US Vessel)
DOES, ROES, and MOES 1-100 et al,	) File Date: November 21, 2007
US Vessel sand	) Trial Date: Not Assigned
)
Libellees,	) NOTICE OF JOINDER AND JOINDER BY
	) DEFENDANTS COUNTRYWIDE BANK,
Luz-Maria: Urzua, Cesar: Anchante-Martinetti	) FSB, AND ANGELO MOZILO TO THE
Lien Holder of the Vessel, the Real Party In	) MOTION BY DEFENDANTS
Interest, Lawful Woman, Man Injured Third	) COUNTRYWIDE HOME LOANS, INC.
Party Intervener/Petitioner/Libellant,	) AND ANGELO MOZILO TO DISMISS THE
	) COMPLAINT OF PLAINTIFFS LUZ-MARIA
V.	) URZUA AND CESAR ANCHANTE-
	) MARTINETTI [FRCP 8 AND 12(b)(6)]; OR,
COUNTRYWIDE HOME LOANS, ANGELO	) IN THE ALTERNATIVE, FOR A MORE
MANCELLO, PRESIDENT, U.S. Vessel	) DEFINITE STATEMENT [FRCP 12(e)]
DOES, ROES, and MOES 1-100 et al)
US VESSELS	) Date: April 4, 2008
INDIVIDUALLY AND SEVERALLY	) Time: 9:00 a.m.
Third Party Defendants/Libellees	) Courtroom: 2
)

MEMORANDUM OF POINTS AND AUTHORITIES

I. DEFENDANTS COUNTRYWIDE BANK, FSB, AND ANGELO MOZILO JOIN IN THE MOTION OF DEFENDANTS COUNTRYWIDE HOME LOANS, INC. AND ANGELO MOZILO TO DISMISS THE COMPLAINT PURSUANT TO FRCP 8 AND 12(b)(6) OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT [FRCP 12(e)].

When issues common to multiple defendants are raised and argued in one defendant's motion, the court should decide the common issue in favor of all of the affected defendants without requiring that each defendant file separate motions to re-raise and to re-argue those same legal issues. Dearth v. Great Republic Life Insurance Company, 9 Cal. App. 4th 1256, 1282, 12 Cal. Rptr. 2d 78, 93 (1992). Doing so promotes judicial economy and conserves judicial resources.

Here, the legal issues and arguments presented by Defendants Countrywide Home Loans, Inc. and Angelo Mozilo (collectively "Countrywide") in support of their separately-filed motion to dismiss the complaint of Plaintiffs Luz-Maria Urzua and Cesar Anchante-Martinelli pursuant to FRCP 8 (failure to set forth a short and plain statement of the claim showing that Plaintiffs are entitled to relief) and failure to state a claim upon which relief can be granted are equally applicable with respect to Defendants Countrywide Bank, FSB, and Angelo Mozilo and should therefore be resolved in a single law and motion proceeding.

The complaint purports to assert claims against two (or, perhaps three) separate defendants, yet the complaint combines all of the defendants together as a single entity, without stating a claim against each. Undeniably, there are no facts alleged about Countrywide; there are no facts alleged about Countrywide relating to any specific claim; no specific claim against Countrywide is identified; Plaintiffs Luz-Maria Urzua and Cesar Anchante-Martinelli allege no wrongful conduct by Countrywide; and Plaintiffs Luz-Maria Urzua and Cesar Anchante-Martinelli's purported claims do not exist.

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1 II. CONCLUSION.

2 For these reasons, and for the reasons stated in the separately-filed motion by Defendants
3 Countrywide Home Loans, Inc. and Angelo Mozilo, Defendants Countrywide Bank, FSB, and
4 Angelo Mozilo respectfully request that the court dismiss the complaint of Plaintiffs Luz-Maria
5 Urzua and Cesar Anchante-Martinelli for (1) failing to set forth a short and plain statement of the
6 claim showing that Plaintiffs are entitled to relief (FRCP 8); and (2) failing to state a claim upon
7 which relief can be granted (FRCP 12(b)(6)) or, in the alternative, for a more definite statement
8 pursuant to FRCP 12(e).

9 DATED: February 21, 2008

By: 

SANFORD SHATZ

Attorneys for Defendants

Countrywide Home Loans, Inc.

and Angelo Mozilo

[sued erroneously as "Angelo Mancello"]

I am over the age of 18 years and not a party to the within action. I am employed by Countrywide Home Loans, Inc. My business address is 5220 Las Virgenes Road, MS: AC-11, Calabasas, California 91302.

On February 22, 2008, I served NOTICE OF JOINDER AND JOINDER BY DEFENDANTS COUNTRYWIDE BANK, FSB, AND ANGELO MOZILO TO THE MOTION BY DEFENDANTS COUNTRYWIDE HOME LOANS, INC., AND ANGELO MOZILO TO DISMISS THE COMPLAINT OF PLAINTIFFS LUZ-MARIA URZUA AND CESAR ANCHANTE-MARTINETTI [FRCP 8 AND 12(b)(6)]; OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT [FRCP 12(e)] on each person or entity name below by enclosing a copy in an envelope addressed as shown below and placing the envelope for collection and mailing on the date and at the place shown below following our ordinary office practices. I am readily familiar with the practice of this office for collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Date of Mailing: February 22, 2008

Place of Mailing: Calabasas, California

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 22, 2008, at Calabasas, California.

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